

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

\*\*\*\*\*  
William Soler Justice, \*  
\*  
Plaintiff, \*  
v. \* Civil No. 1:20-cv-00517-PB  
\*  
Christopher T. Sununu, et al., \*  
\*  
Defendants. \*  
\*\*\*\*\*

**DEFENDANTS' MOTION FOR PRELIMINARY REVIEW AND STAY OF  
RESPONSIVE PLEADING DEADLINES**

Defendants Helen Hanks, Paula Mattis, Deborah Robinson, Carlene Ferrier, Frank Logan, III, Joshua Deblois, Benjamyn Carver, and Page Kimball (“Defendants”), by and through the New Hampshire Office of the Attorney General as counsel, file this Motion for Preliminary Review and Stay of Responsive Pleading Deadlines, stating as follows:

1. On January 22, 2025, this Court granted Plaintiff’s Motion to Add More Defendants to Complaint (Doc. No. 127) and ordered Plaintiff to file an amended complaint with the additional defendants within 30 days.
2. On February 28, 2025, Plaintiff filed an amended complaint, which named twenty-two defendants, several of whom were not listed in Plaintiff’s Motion to Add More Defendants, and many of whom had previously been dismissed from the case. *E.g.* Order on Report and Recommendation (Doc. No. 31); and Memorandum and Order granting [66] Motion to Dismiss for Failure to State a Claim (Doc. No. 109). Plaintiff reasserted many of the claims that had previously been dismissed on preliminary review, including claims alleging breach of contract regarding a class action settlement and claims alleging violation of the Americans with

Disabilities Act. *See* Order (Doc. No. 31) and Amended Report and Recommendation (Doc. No. 29).

3. Plaintiff is a nonincarcerated in forma pauperis party. *See* Doc. No. 4. The Fed. R. Civ. P. 4(d)(2) provides that “[t]he clerk’s office shall forward to the magistrate judge for preliminary review the initial filings, and any subsequent amendments to those filings, by all nonincarcerated parties proceeding in forma pauperis.” After preliminary review, the magistrate judge may recommend to the court that a filing be dismissed because, among other things, it fails to state a claim upon which relief may be granted. *See* FRCP 4(d)(2)(A).

4. Here, Plaintiff’s amended complaint includes the same deficiencies as the first, but the amended complaint further lacks *any* supporting factual allegations as to the following defendants:

- a. Jonathan Boisselle
- b. CO Ryan
- c. Daniel Potenza, MD
- d. Wendy Martin, MD
- e. Paula Mattis
- f. Deborah Robinson
- g. Helen Hanks
- h. Carlene Ferrier, RN
- i. Scott J. Marshall

5. Several of the defendants listed in Plaintiff’s amended complaint have been dismissed from this action previously, including Dr. Potenza, Dr. Martin, Nurse Mark Gagne, the Office of the Public Guardian, Eric Vangelder & Eric Hansmeier, and the SPU.

6. For these reasons, Defendants believe that preliminary review of the amended complaint will streamline and clarify the claims and defendants moving forward.

7. Defendants’ responsive pleading would be due on March 14, 2025, unless the deadline is stayed during preliminary review. Without preliminary review, it is unclear which

defendants should be included in such a responsive pleading and which claims will survive preliminary review.

8. Accordingly, Defendants respectfully request that their responsive pleading deadline be stayed until 14 days after this Court's order on the magistrate judge's report and recommendation.

9. Defendants have requested Plaintiff's assent to an extension of their responsive pleading deadline, and guardian for Plaintiff responded that Plaintiff does not assent.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- A. Grant this Motion;
- B. Stay Defendants' responsive pleading deadline until 14 days after this Court issues an order on the report and recommendation; and
- C. Grant any further relief as justice so requires.

Respectfully submitted,

Commissioner Helen Hanks, *et al.*

By their attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Dated: March 4, 2025

/s/ Catherine A. Denny  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being conventionally mailed to Plaintiff at 51 Storrs St., #310, Concord, NH 03301.

Dated: March 4, 2025

/s/ Catherine A. Denny  
Catherine A. Denny